

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Raymond L. Semler,

Case No. 18-cv-3220 (WMW/LIB)

Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

v.

Eastbay, Inc., and Unknown Jane and John
Does at the Minnesota Sex Offender
Program Moose Lake,

Defendants.

This matter is before the Court on the March 4, 2019 Report and Recommendation (R&R) of United States Magistrate Judge Leo I. Brisbois, (Dkt. 21), addressing Defendant Eastbay, Inc.'s motion to dismiss, (Dkt. 5). Objections to the R&R have not been filed in the time period permitted. In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error.

Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The March 4, 2019 R&R, (Dkt. 21), is **ADOPTED**.

2. Defendant Eastbay, Inc.'s motion to dismiss, (Dkt. 5), is **GRANTED** in part and **DENIED** in part as follows:

- a. Plaintiff Raymond L. Semler's Fourteenth Amendment claim, *see* U.S. Const. amend. XIV, is **DISMISSED WITH PREJUDICE**; and
- b. Pursuant to 28 U.S.C. § 1367(c)(3), Plaintiff's Minnesota state law claims are **REMANDED** to Ramsey County District Court, Second Judicial District of Minnesota.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 29, 2019

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge